



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,090	06/07/2001	Mark Andrew Benny	AUS9-2001-0209-US1	9388

7590 12/16/2004

Kelly K. Kordzik  
5400 Renaissance Tower  
1201 Elm Street  
Dallas, TX 75270

EXAMINER
----------

AHMED, FAROOQUE

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/876,090

Applicant(s)

BENNY ET AL.

Examiner

Farooque Ahmed

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The action is response to application filed on 06/07/2001. Claims 1-21 are pending. Claims 1-21 represent ENTERPRISE SERVICE DELIVERY TECHNICAL FRAMEWORK

#### ***Specification***

1. The disclosure is objected to because of the following informalities:

Applicant is requested to update related application serial numbers.

Appropriate correction is required.

#### ***Claim Objections***

2. Claims 11-15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 11-15 are exact replicas of claims 1-5. Claims 12-15 have dependencies on claim 1 and should be corrected.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 1, 6, 11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "between the design objects" on line 5 of the claim, is unclear whether it refers to being between two design objects or between a design object and something else that has not been defined. Applicant is requested to clarify.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Freed et al (US Pat 6,269,473).

6. In reference to claims 1,6 and 16, Freed teaches a technical framework, a method and a computer program respectively for use in delivering specific set of information a technology services for a customer, comprising:

a list of design objects created as a function of a solution scope for the information technology services for the customer (col 2 lines 4-25, col 4 lines 60-67 and col 5 lines 10-16; Freed discloses a modeling construct called a DCT (dynamically configurable type) which has a list of objects (functions) for software technology for a customer);

designated relationships between the design objects as a function of specific solution requirements for the information technology services for the customer (col 2 lines 4-25 & 39-46, col 4 lines 60-67 and col 5 lines 15-35; Freed discloses relationships between the functions for software technology requirements).

7. In reference to claims 2,7 and 17, Freed teaches the technical framework, the method and computer program as recited in claims 1,6 and 16, wherein the design objects are created from architectural building blocks of an enterprise service delivery technical model (col 2 lines 4-25, col 4 lines 60-67 and col 5 lines 10-16; Freed discloses modeling constructs DCT as architectural building blocks of software technology).

8. In reference to claims 3,8 and 18, Freed teaches the technical framework, the method and computer program as recited in claims 2,7 and 17, wherein the designated relationships between the design objects are created from relationships between the architectural building blocks of the enterprise service delivery technical model (col 2 lines 40-50 and col 5 lines 15-30; Freed discloses relationships in a software model that are created (modified) to meet customer requirements).

9. In reference to claims 4,9 and 19, Freed teaches the technical framework, the method and computer program as recited in claims 3,8 and 18, wherein the designated relationships between the design objects are organized into logical levels (col 5 lines 25-30).

10. In reference to claims 5,10 and 20, Freed teaches the technical framework, the method and computer program as recited in claims 1, 6 and 16, further comprising:

a detailed technical design developed for the information technology services for the customer based on tool selection criteria that are dependent upon the list of design objects and the designated relationships between the design objects (col 5 lines 4-20, col 14 lines 35-50 and col 21 lines 4-25; Freed discloses a technical design for modeling software technology for a customer based on functions and module relationships).

11. Claims 11-15 are exact replicas of claims 1-5 and are rejected above.

12. In reference to claim 21, Freed teaches a data processing system operable for creating a technical framework for use in delivering a specific set of information technology services for a customer, comprising:

a processor; an input device; an output device; a memory unit; and a bus system for coupling the processor to the input device, output device, and memory unit (all these elements are inherent in any data processing system, and is inherent in the Freed reference)

the processor further comprising:

circuitry for creating a list of design objects as a function of a solution scope for the information technology services for the customer, wherein the design objects are created from architectural building blocks of an enterprise service delivery technical model (col 2 lines 4-25, col 4 lines 60-67 and col 5 lines 10-16; Freed discloses a modeling construct called a DCT (dynamically configurable type) which has a list of objects (functions) for software technology for a customer);

circuitry for designating relationships between the design objects as a function of specific solution requirements for the information technology services for the customer, wherein the designated relationships between the design objects are created from relationships between the architectural building blocks of the enterprise service delivery technical model (col 2 lines 4-25 & 39-46, col 4 lines 60-67 and col 5 lines 15-35; Freed discloses relationships between the functions for software technology requirements); and

circuitry for developing a detailed technical design for the information technology services for the customer based on tool selection criteria that are dependent upon the list of


design objects and the designated relationships between the design objects (col 5 lines 4-20, col 14 lines 35-50 and col 21 lines 4-25; Freed discloses a technical design for modeling software technology for a customer based on functions and module relationships).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farooque Ahmed whose telephone number is 703-605-4212. The examiner can normally be reached on M-F 8:30 to 5:00

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farooque Ahmed/Examiner  
Art Unit 2157



SALEH NAJJAR  
PRIMARY EXAMINER